

2013 DRAFTING REQUEST

Bill

Received: **5/16/2013** Received By: **tdodge**
Wanted: **As time permits** Same as LRB: **-2418**
For: **André Jacque (608) 266-9870** By/Representing: **Jamie Julian**
May Contact: Drafter: **tdodge**
Subject: **Employ Pub - employee benefits** Addl. Drafters: **rchampag**
Insurance - health
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Jacque@legis.wisconsin.gov**
Carbon copy (CC) to: **pam.kahler@legis.wisconsin.gov**
tamara.dodge@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Create exemption to contraceptive mandate similar to that proposed by the federal government;
Prohibit coverage of abortion for state employees

Instructions:


See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 5/17/2013			_____			
/P1	tdodge 5/20/2013	kfollett 5/17/2013	jmurphy 5/17/2013	_____	srose 5/17/2013		
/1	rchampag	kfollett	jmurphy	_____	sbasford		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	5/20/2013	5/20/2013	5/20/2013	_____	5/20/2013		
/2		kfollett 5/20/2013	phenry 5/20/2013	_____	lparisi 5/20/2013	lparisi 5/23/2013	

FE Sent For:

 Not
Needed

<END>

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/1	rchampag	kfollett	jmurphy	_____	sbasford		

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	5/20/2013	5/20/2013	5/20/2013	_____	5/20/2013		
/2		kfollett	phenry	_____	lparisi		
		5/20/2013	5/20/2013	_____	5/20/2013		

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/P1	tdodge 5/20/2013	kfollett 5/17/2013	jmurphy 5/17/2013		srose 5/17/2013		
/1		kfollett <i>12/5f</i> <i>5/20</i>	jmurphy		sbasford		

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5/20/2013Typed
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_____Submitted
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1/?	tdodge	1P/15f 5/17	Jim 5/17	Jim + P/H 5/17			
FE Sent For:							

<END>

Dodge, Tamara

From: Julian, Jamie
Sent: Thursday, May 16, 2013 1:33 PM
To: Champagne, Rick
Cc: Dodge, Tamara
Subject: Preliminary draft please

Okay, a couple other quick requests -

- 1) Please return a preliminary draft of this request to us
- 2) In federalizing the exceptions the contraceptive mandate, just to clarify, please repeal Wisconsin's mandate (I believe this was in the 2009 budget).

Jamie Julian

Office of Rep. André Jacque
2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870

-----Original Message-----

From: Julian, Jamie
Sent: Thursday, May 16, 2013 1:23 PM
To: Champagne, Rick
Cc: Dodge, Tamara
Subject: FW: Rush: 5/16 Bill Draft Request

OOPS...that may have been confusing...

FEDERALIZE WI STATE LAW REGARDING EXCEPTIONS TO CONTRACEPTION MANDATE FOR RELIGIOUS ORGS/NO state or public employee health ins or other fringe benefits may be used to fund an abortion

Phone line is open if you run into any questions. If it looks like the draft will come back with any drafter notes or whatever, please return a preliminary draft so we can get the bulk of everything sorted out for the first final draft.

Thanks,

Jamie Julian

Office of Rep. André Jacque
2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870

-----Original Message-----

From: Champagne, Rick
Sent: Thursday, May 16, 2013 11:58 AM
To: Julian, Jamie
Cc: Dodge, Tamara
Subject: RE: Rush: 5/16 Bill Draft Request

Got it, Jamie. Please include Tami Dodge on this request too. Tami is our PPACA expert here at LRB. Be in touch.

Rick

-----Original Message-----

From: Julian, Jamie
Sent: Thu 5/16/2013 11:34 AM
To: Champagne, Rick
Subject: Rush: 5/16 Bill Draft Request

Hi,

Rep. Jacque would like a bill drafted that will essentially do two things:

- 1) No state employees may use their state employees' health insurance or other benefits to pay for an abortion
- 2) Incorporate the provisions in PPACA regarding religious organizations being exempt from the contraceptive mandate into Wisconsin law.

I will be sending some additional helpful information shortly, but just wanted to get something off to you. Let me know if I did not choose the right drafter and/or you have any initial questions.

We do need this one right away.

Sincerely,

Jamie Julian

Office of Rep. André Jacque

2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870

Dodge, Tamara

From: Julian, Jamie
Sent: Thursday, May 16, 2013 4:33 PM
To: Dodge, Tamara
Cc: Champagne, Rick
Subject: RE: 1 bill or 2...

Hi,

We would like this to be one bill. Also, we are going to need it in final form by Monday mid-afternoon if at all possible. I'll be here Friday and Monday to work on this too – just let me know if there are any questions or issues that come up and need to be addressed or what I can do to help.

It might be good to get a preliminary draft to review first if you happen to be able to complete it by Monday morning or early afternoon. If this creates a time crunch return a /1 before 3 pm(ish) if that is possible.

Thank you much,

Jamie Julian

Office of Rep. André Jacqué
2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870

From: Dodge, Tamara
Sent: Thursday, May 16, 2013 2:56 PM
To: Julian, Jamie
Cc: Champagne, Rick
Subject: RE: 1 bill or 2...

Jamie,

I did not complete drafting of LRB-1672 as I had sent the email below and had not received a response. With the request in February you had sent the first 3 pages of the attachment that you just sent earlier today. The public employees/insurance portion of the bill can be drafted as LRB-1672 if you want.

I did receive clarification from Andrew in the Speaker's office regarding the contraceptive mandate portion of the request you sent today so I will begin work on that.

It may be easiest to draft the portions separately, especially if Rick and I each are drafting a part. It is quite easy then to combine the drafts into 1.

Tami

Tamara J. Dodge

Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Dodge, Tamara

Sent: Friday, March 22, 2013 2:14 PM

To: Julian, Jamie

Subject: RE: Bill Draft Request

Jamie,

I was going to start working on this draft, but I don't understand what is intended. The page of the request titled "Proposed Language" seems to contain two different ideas. Do you want to prohibit the use of public employees in the performance of abortions? Or do you want to prohibit the insurance policies that cover state employees from covering abortion?

The bill language you included from AB 154 of last session passed and is included in current law.

Please provide more specifics on what Representative Jacque wants drafted regarding this topic.

Thanks,
Tami

Tamara J. Dodge

Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov
From: Julian, Jamie
Sent: Tuesday, February 19, 2013 10:11 AM
To: Dodge, Tamara
Subject: RE: Bill Draft Request

...Forgot to attach. Thanks!

Jamie Julian

Office of Rep. André Jacque
2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870

From: Dodge, Tamara
Sent: Tuesday, February 19, 2013 10:09 AM
To: Julian, Jamie
Subject: RE: Bill Draft Request

Jamie,

I did not receive the attachment to this email. Could you please resend?

Thanks,
Tami

Tamara J. Dodge
Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Julian, Jamie
Sent: Monday, February 18, 2013 4:09 PM
To: Dodge, Tamara
Subject: Bill Draft Request

Hello,

Could you please have the attached drafted as both a budget amendment and a stand-alone bill?

Thank you,

Jamie Julian

Office of Rep. André Jacque
2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870

Tamara J. Dodge
Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Julian, Jamie
Sent: Thursday, May 16, 2013 2:53 PM

To: Dodge, Tamara; Champagne, Rick

Subject: 1 bill or 2...

I am not sure yet if my request will be one or two bills...if it will be one bill I would assume you would tack the new ask onto 1672. I'm not sure yet, but will let you know soon.

Jamie Julian

Office of Rep. André Jacqué
2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870

Dodge, Tamara

From: Julian, Jamie
Sent: Thursday, May 16, 2013 5:06 PM
To: Dodge, Tamara; Champagne, Rick
Cc: VerVelde, Rachel
Subject: abortion/contraceptive bill

Hi,

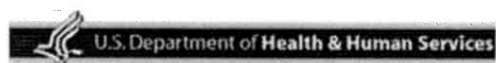
This is permission for you to draft an identical bill to the one we've been working on today for Senator Grothman.

Jamie Julian

Office of Rep. André Jacques
2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870



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CCIIO The Center for Consumer Information & Insurance Oversight

45 OFR 147

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Women's Preventive Services Coverage and Religious Organizations

Thanks to the Affordable Care Act, most health plans cover recommended women's preventive services, including contraception, without charging a co-pay or deductible. The scientists and other experts at the independent Institute of Medicine provided recommendations to the Department of Health and Human Services (HHS) regarding which preventive services help keep women healthy and should be covered without cost-sharing. The IOM recommended covering contraception without a co-pay or deductible because there are tremendous health benefits for women that come from using contraception. In fact, nearly 99% of all women have relied on contraception at some point in their lives, but more than half of all women between the ages of 18 and 34 have struggled to afford it.

Today, the Obama Administration moved forward to continue to implement provisions in the health care law that would provide women contraceptive coverage without cost sharing, while taking into account religious objections to contraceptive services by certain religious organizations. The Notice of Proposed Rulemaking (NPRM) released today reflects the public feedback from comments on the Advance NPRM issued in March 2012.

Today's proposals build on the ideas we laid out last year to provide women with coverage for recommended preventive care, including contraceptive services, without cost sharing, while also ensuring that non-profit organizations with religious objections won't have to contract, arrange, pay, or refer for insurance coverage for these services to their employees or students.

Details on these proposed policies are outlined below. The Administration is seeking comment on these proposals and welcomes feedback from all Americans through **April 8, 2013**.

Exemption for Religious Employers

Group health plans of "religious employers" are exempted from having to provide contraceptive coverage, if they have religious objections to contraception.

Today's NPRM would simplify the existing definition of a "religious employer" as it relates to contraceptive coverage.

The NPRM would eliminate criteria that a religious employer:

1. have the inculcation of religious values as its purpose;
2. primarily employ persons who share its religious tenets; and
3. primarily serve persons who share its religious tenets.

The simple definition of "religious employer" for purposes of the exemption would follow a section of the Internal Revenue Code, and would primarily include churches, other houses of worship, and their affiliated organizations, as defined by Section 6033(a)(3)(A)(i) or (iii)

This proposed change is intended to clarify that a house of worship would not be excluded from the exemption because, for example, it provides charitable social services to persons of different religious faiths or employs persons of different religious faiths. The Departments believe that this proposal would not expand the universe of employer plans that would qualify for the exemption beyond that which was intended in the 2012 final rules.

Creating Accommodations for Non Profit Religious Organizations

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Consistent with the Advance NPRM, the NPRM proposes accommodations for additional non profit religious organizations, while also separately providing enrollees contraceptive coverage with no co-pays. An eligible organization would be defined as an organization that:

1. opposes providing coverage for some or all of any contraceptive services required to be covered under Section 2713 of the PHS Act, on account of religious objections;
2. is organized and operates as a nonprofit entity;
3. holds itself out as a religious organization; and
4. self-certifies that it meets these criteria and specifies the contraceptive services for which it objects to providing coverage.

Under the proposed accommodations, the eligible organizations would not have to contract, arrange, pay or refer for any contraceptive coverage to which they object on religious grounds.

In addition, under the proposed accommodations, plan participants would receive contraceptive coverage through separate individual health insurance policies, without cost sharing or additional premiums. The issuer would work to ensure a seamless process for plan participants to receive contraceptive coverage.

With respect to insured group health plans, the eligible organization would provide the self-certification to the health insurance issuer, which in turn would automatically provide separate, individual market contraceptive coverage at no cost for plan participants. Issuers generally would find that providing such contraceptive coverage is cost neutral because they would be insuring the same set of individuals under both policies and would experience lower costs from improvements in women's health and fewer childbirths.

With respect to self-insured group health plans, the eligible organization would notify the third party administrator, which in turn would automatically work with a health insurance issuer to provide separate, individual health insurance policies at no cost for participants. The costs of both the health insurance issuer and third party administrator would be offset by adjustments in Federally-facilitated Exchange user fees that insurers pay.

The NPRM also proposes that an eligible religious non profit organization that is an institution of higher education that arranges for student health insurance coverage may avail itself of an accommodation comparable to that for an eligible organization that is an employer with an insured group health plan.

The NPRM on women's preventive services coverage is available here:
<http://www.ofr.gov/inspection.aspx>.

For more information on women's preventive services coverage, visit:
<http://www.healthcare.gov/news/factsheets/2011/08/womensprevention08012011a.html>.

Base exemption on proposed rule 45 CFR 147
in Federal Register, Vol. 78, No. 25
Wed Feb. 6, 2013
beginning p. 8456



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2392/PI
TJD&RAC: k...
RMR JF

In: 5/17/13 (TODAY)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Pwf
5/17
am

Gen ✓

1 AN ACT ...; relating to: prohibiting ^{the} group insurance board ^{from} contracting for or
2 providing abortion services and exempting religious employers, religious
3 organizations, and religious institutions of higher education from
4 contraceptive insurance coverage.

Insert
Analysis RAC

Analysis by the Legislative Reference Bureau

Under current law, disability insurance policies, also known as health insurance policies, and self-insured governmental and school district health plans must cover the cost of contraceptives prescribed by a health care provider and of services that are necessary to prescribe, administer, maintain, or remove the contraceptive. Contraceptives are drugs or devices approved by the federal Food and Drug Administration to prevent pregnancy. This bill exempts from the coverage of contraceptives and related services an insurer that issues a group health insurance plan to a religious employer, religious organization, or religious institution of higher education, if that employer, organization, or institution meets the criteria specified in the bill.

Administration

Insert
RAC-1

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 SECTION 1. 632.895 (17) (b) (intro.) of the statutes is amended to read:

632.895 (17) (b) (intro.) ~~Every~~ [✓] Except as provided in par. (e), every disability insurance policy, and every self-insured health plan of the state or of a county, city, town, village, or school district, that provides coverage of outpatient health care services, preventive treatments and services, or prescription drugs and devices shall provide coverage for all of the following:

History: 1981 c. 39 ss. 4 to 12, 18, 20; 1981 c. 85, 99; 1981 c. 314 ss. 122, 123, 125; 1983 a. 36, 429; 1985 a. 29, 56, 311; 1987 a. 195, 327, 403; 1989 a. 129, 201, 229, 316, 332, 359; 1991 a. 32, 45, 123; 1993 a. 443, 450; 1995 a. 27 ss. 7048, 9126 (19); 1995 a. 201, 225; 1997 a. 27, 35, 75, 175, 237; 1999 a. 32, 115; 1999 a. 150 s. 672; 2001 a. 16, 82; 2007 a. 20 s. 9121 (6) (a); 2007 a. 36, 153; 2009 a. 14, 28, 282, 346; 2011 a. 260 s. 80.

SECTION 2. 632.895 (17) (e) of the statutes is [✓] created to read:

632.895 (17) (e) An insurer that issues a group disability insurance policy to any of the following is not required to provide the coverage under par. (b) [✓] under that policy:

1. A religious employer that is organized and operates as a nonprofit entity as described in 26 USC 6033 (a) (3) (A) (i) or (iii).

2. A religious organization or religious institution of higher education that meets all of the following criteria:

a. The organization or institution [✓] or institution opposes providing coverage for some or all contraceptive services on account of religious objections.

b. The organization or institution is organized and operates as a nonprofit entity.

c. The organization or institution holds [§] itself out as a religious organization or institution.

d. The organization or institution certifies in writing, signed by an authorized representative, that it meets the criteria in subd. 2. a. to c. and maintains that certification in its records for the plan year for which it seeks an exemption from the coverage under par. (b). [✓] [✓]

(END)

Insert RAC-IA

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2392/P1insRC
RAC:.....

1

Insert
Analysis-
RAC

Under current law, the Group Insurance Board (GIB) enters into health insurance contracts and provides a health insurance plan on a self-insured basis for eligible employees under the Wisconsin Retirement System, which include all state employees and state annuitants and may include local government employees if the local governmental unit elects to participate in a GIB health insurance plan. Among the health care procedures that are currently covered under the health insurance contracts and the state self-insured health care plan are abortion services. This bill prohibits GIB from entering into any contract with respect to a group health insurance plan or providing a group health insurance plan on a self-insured basis that provides abortion services.

Insert 2
3 RAC-1

SECTION 1. 40.02 (1) of the statutes is renumbered 40.02 (1m). (End insert analysis EAC)

SECTION 2. 40.02 (1d) of the statutes is created to read:

40.02 (1d) "Abortion" has the meaning given in s. 253.10 (2) (a).

SECTION 3. 40.03 (6) (a) of the statutes is amended to read:

40.03 (6) (a) 1. ~~Shall~~ Except as provided in par. (k), shall, on behalf of the state, enter into a contract or contracts with one or more insurers authorized to transact insurance business in this state for the purpose of providing the group insurance plans provided for by this chapter; or

2. ~~May~~ Except as provided in par. (k), may, wholly or partially in lieu of subd. 1., on behalf of the state, provide any group insurance plan on a self-insured basis in which case the group insurance board shall approve a written description setting forth the terms and conditions of the plan, and may contract directly with providers of hospital, medical or ancillary services to provide insured employees with the benefits provided under this chapter.

History: 1981 c. 96 ss. 24, 32; 1981 c. 386; 1983 a. 247; 1985 a. 29; 1985 a. 332 ss. 53, 251 (1); 1987 a. 356; 1989 a. 31, 166, 323; 1991 a. 116, 141, 152, 269; 1993 a. 16; 1995 a. 302, 414; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 153; 2007 a. 20 s. 9121 (6) (a); 2007 a. 131; 2011 a. 10, 32, 258.

SECTION 4. 40.03 (6) (b) of the statutes is amended to read:

✓

1 40.03 (6) (b) ~~May~~ Except as provided in par. (k), may provide other group
2 insurance plans for employees and their dependents and for annuitants and their
3 dependents in addition to the group insurance plans specifically provided under this
4 chapter. The terms of the group insurance under this paragraph shall be determined
5 by contract, and shall provide that the employer is not liable for any obligations
6 accruing from the operation of any group insurance plan under this paragraph
7 except as agreed to by the employer.

History: 1981 c. 96 ss. 24, 32; 1981 c. 386; 1983 a. 247; 1985 a. 29; 1985 a. 332 ss. 53, 251 (1); 1987 a. 356; 1989 a. 31, 166, 323; 1991 a. 116, 141, 152, 269; 1993 a. 16; 1995 a. 302, 414; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 153; 2007 ✓ 20 s. 9121 (6) (a); 2007 a. 131; 2011 a. 10, 32, 258.

8 **SECTION 5.** 40.03 (6) (k) of the statutes is created to read:

9 40.03 (6) (k) May not enter into, extend, modify, or renew any contract for a
10 group insurance plan or provide a group insurance plan or other benefit on a
11 self-insured basis that provides coverage or services for an abortion.

✓

12 **SECTION 6.** 40.56 of the statutes is created to read:

13 **40.56 Abortion coverage prohibited.** No abortion coverage or services may
14 be provided in a health insurance plan or health care coverage plan offered under this
15 subchapter. ✓

(End Insert RAC-1)

16 **SECTION 7. Initial applicability.**

17 (1) The treatment of sections 40.02 (1) and (1d), 40.03 (6) (a), (b), and (k), and
18 40.56 ✓ of the statutes first applies to contracts for group health insurance plans that
19 are entered into, extended, modified, or renewed on the effective date of this
20 subsection. ✓

(End Insert RAC-IA)

Insert RAC-IA



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2392/P1
TJD&RAC:kjf:jm

In: 5/20/13

TODAY

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

~~The drafter's
have made no
changes to this
version.~~

Regen

1 AN ACT *to renumber* 40.02 (1); *to amend* 40.03 (6) (a), 40.03 (6) (b) and 632.895
2 (17) (b) (intro.); and *to create* 40.02 (1d), 40.03 (6) (k), 40.56 and 632.895 (17)
3 (e) of the statutes; **relating to:** prohibiting the group insurance board from
4 contracting for or providing abortion services and exempting religious
5 employers, religious organizations, and religious institutions of higher
6 education from contraceptive insurance coverage.

Analysis by the Legislative Reference Bureau

Under current law, the Group Insurance Board (GIB) enters into health insurance contracts and provides a health insurance plan on a self-insured basis for eligible employees under the Wisconsin Retirement System, which include all state employees and state annuitants and may include local government employees if the local governmental unit elects to participate in a GIB health insurance plan. Among the health care procedures that are currently covered under the health insurance contracts and the state self-insured health care plan are abortion services. This bill prohibits GIB from entering into any contract with respect to a group health insurance plan or providing a group health insurance plan on a self-insured basis that provides abortion services.

Under current law, disability insurance policies, also known as health insurance policies, and self-insured governmental and school district health plans must cover the cost of contraceptives prescribed by a health care provider and of

services that are necessary to prescribe, administer, maintain, or remove the contraceptive. Contraceptives are drugs or devices approved by the federal Food and Drug Administration to prevent pregnancy. This bill exempts from the coverage of contraceptives and related services an insurer that issues a group health insurance plan to a religious employer, religious organization, or religious institution of higher education, if that employer, organization, or institution meets the criteria specified in the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓
1 **SECTION 1.** 40.02 (1) of the statutes is renumbered 40.02 (1m).

✓
2 **SECTION 2.** 40.02 (1d) of the statutes is created to read:

3 40.02 (1d) "Abortion" has the meaning given in s. 253.10 (2) (a).

✓
4 **SECTION 3.** 40.03 (6) (a) of the statutes is amended to read:

5 40.03 (6) (a) 1. ~~Shall~~ Except as provided in par. (k), shall, on behalf of the state,
6 enter into a contract or contracts with one or more insurers authorized to transact
7 insurance business in this state for the purpose of providing the group insurance
8 plans provided for by this chapter; or

9 2. ~~May~~ Except as provided in par. (k), may, wholly or partially in lieu of subd.
10 1., on behalf of the state, provide any group insurance plan on a self-insured basis
11 in which case the group insurance board shall approve a written description setting
12 forth the terms and conditions of the plan, and may contract directly with providers
13 of hospital, medical or ancillary services to provide insured employees with the
14 benefits provided under this chapter.

✓
15 **SECTION 4.** 40.03 (6) (b) of the statutes is amended to read:

16 40.03 (6) (b) ~~May~~ Except as provided in par. (k), may provide other group
17 insurance plans for employees and their dependents and for annuitants and their
18 dependents in addition to the group insurance plans specifically provided under this

chapter. The terms of the group insurance under this paragraph shall be determined by contract, and shall provide that the employer is not liable for any obligations accruing from the operation of any group insurance plan under this paragraph except as agreed to by the employer.

✓
SECTION 5. 40.03 (6) (k) of the statutes is created to read:

40.03 (6) (k) May not enter into, extend, modify, or renew any contract for a group insurance plan or provide a group insurance plan or other benefit on a self-insured basis that provides coverage or services for an abortion.

✓
SECTION 6. 40.56 of the statutes is created to read:

40.56 Abortion coverage prohibited. No abortion coverage or services may be provided in a health insurance plan or health care coverage plan offered under this subchapter.

✓
SECTION 7. 632.895 (17) (b) (intro.) of the statutes is amended to read:

632.895 (17) (b) (intro.) ~~Every~~ Except as provided in par. (e), every disability insurance policy, and every self-insured health plan of the state or of a county, city, town, village, or school district, that provides coverage of outpatient health care services, preventive treatments and services, or prescription drugs and devices shall provide coverage for all of the following:

✓
SECTION 8. 632.895 (17) (e) of the statutes is created to read:

632.895 (17) (e) An insurer that issues a group disability insurance policy to any of the following is not required to provide the coverage under par. (b) under that policy:

1. A religious employer that is organized and operates as a nonprofit entity as described in 26 USC 6033 (a) (3) (A) (i) or (iii).

2. A religious organization or religious institution of higher education that meets all of the following criteria:

a. The organization or institution opposes providing coverage for some or all contraceptive services on account of religious objections.

b. The organization or institution is organized and operates as a nonprofit entity.

c. The organization or institution holds itself out as a religious organization or institution.

d. The organization or institution certifies in writing, signed by an authorized representative, that it meets the criteria in subd. 2. a. to c. and maintains that certification in its records for the plan year for which it seeks an exemption from the coverage under par. (b).

SECTION 9. Initial applicability.

(1) The treatment of sections 40.02 (1) and (1d), 40.03 (6) (a), (b), and (k), and 40.56 of the statutes first applies to contracts for group health insurance plans that are entered into, extended, modified, or renewed on the effective date of this subsection.

(END)

ASSEMBLY BILL 154

ineligible for funding from the state, a local government, or a long-term care district or from federal funds passing through the state treasury.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 632.8985 of the statutes is created to read:

2 **632.8985 Prohibiting abortion coverage.** (1) In this section, “abortion” has
3 the meaning given in s. 253.10 (2) (a).

(2) A qualified health plan, as defined in 42 USC 18021 (a), that is offered through any American health benefit exchange, as described in 42 USC 18031, that is operating in the state may not cover any abortion (the performance of which is ineligible for funding under s. 20.927)

(END)

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State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2392/2
TJD&RAC:kjf:jm

Today

2013 BILL

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Peterson

1 AN ACT *to renumber* 40.02 (1); *to amend* 40.03 (6) (a), 40.03 (6) (b) and 632.895
2 (17) (b) (intro.); and *to create* 40.02 (1d), 40.03 (6) (k), 40.56 and 632.895 (17)
3 (e) of the statutes; **relating to:** prohibiting the group insurance board from
4 contracting for or providing abortion services and exempting religious
5 employers, religious organizations, and religious institutions of higher
6 education from contraceptive insurance coverage.

Analysis by the Legislative Reference Bureau

Under current law, the Group Insurance Board (GIB) enters into health insurance contracts and provides a health insurance plan on a self-insured basis for eligible employees under the Wisconsin Retirement System, which include all state employees and state annuitants and may include local government employees if the local governmental unit elects to participate in a GIB health insurance plan. Among the health care procedures that are currently covered under the health insurance contracts and the state self-insured health care plan are abortion services. This bill prohibits GIB from entering into any contract with respect to a group health insurance plan or providing a group health insurance plan on a self-insured basis that provides abortion services *with certain exceptions*

→ Under current law, disability insurance policies, also known as health insurance policies, and self-insured governmental and school district health plans must cover the cost of contraceptives prescribed by a health care provider and of

BILL

services that are necessary to prescribe, administer, maintain, or remove the contraceptive. Contraceptives are drugs or devices approved by the federal Food and Drug Administration to prevent pregnancy. This bill exempts from the coverage of contraceptives and related services an insurer that issues a group health insurance plan to a religious employer, religious organization, or religious institution of higher education, if that employer, organization, or institution meets the criteria specified in the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓
1 **SECTION 1.** 40.02 (1) of the statutes is renumbered 40.02 (1m).

✓
2 **SECTION 2.** 40.02 (1d) of the statutes is created to read:

3 40.02 (1d) “Abortion” has the meaning given in s. 253.10 (2) (a).

✓
4 **SECTION 3.** 40.03 (6) (a) of the statutes is amended to read:

5 40.03 (6) (a) 1. ~~Shall~~ Except as provided in par. (k), shall, on behalf of the state,
6 enter into a contract or contracts with one or more insurers authorized to transact
7 insurance business in this state for the purpose of providing the group insurance
8 plans provided for by this chapter; or

9 2. ~~May~~ Except as provided in par. (k), may, wholly or partially in lieu of subd.
10 1., on behalf of the state, provide any group insurance plan on a self-insured basis
11 in which case the group insurance board shall approve a written description setting
12 forth the terms and conditions of the plan, and may contract directly with providers
13 of hospital, medical or ancillary services to provide insured employees with the
14 benefits provided under this chapter.

✓
15 **SECTION 4.** 40.03 (6) (b) of the statutes is amended to read:

16 40.03 (6) (b) ~~May~~ Except as provided in par. (k), may provide other group
17 insurance plans for employees and their dependents and for annuitants and their
18 dependents in addition to the group insurance plans specifically provided under this

BILL

chapter. The terms of the group insurance under this paragraph shall be determined by contract, and shall provide that the employer is not liable for any obligations accruing from the operation of any group insurance plan under this paragraph except as agreed to by the employer.

SECTION 5. 40.03 (6) (k) of the statutes is created to read:

40.03 (6) (k) May not enter into, extend, modify, or renew any contract for a group insurance plan or provide a group insurance plan or other benefit on a self-insured basis that provides coverage or services for an abortion.

SECTION 6. 40.56 of the statutes is created to read:

40.56 Abortion coverage prohibited. No abortion coverage or services may be provided in a health insurance plan or health care coverage plan offered under this subchapter.

SECTION 7. 632.895 (17) (b) (intro.) of the statutes is amended to read:

632.895 (17) (b) (intro.) ~~Every~~ Except as provided in par. (e), every disability insurance policy, and every self-insured health plan of the state or of a county, city, town, village, or school district, that provides coverage of outpatient health care services, preventive treatments and services, or prescription drugs and devices shall provide coverage for all of the following:

SECTION 8. 632.895 (17) (e) of the statutes is created to read:

632.895 (17) (e) An insurer that issues a group disability insurance policy to any of the following is not required to provide the coverage under par. (b) under that policy:

1. A religious employer that is organized and operates as a nonprofit entity as described in 26 USC 6033 (a) (3) (A) (i) or (iii).

BILL

SECTION 8

2. A religious organization or religious institution of higher education that meets all of the following criteria:

a. The organization or institution opposes providing coverage for some or all contraceptive services on account of religious objections.

b. The organization or institution is organized and operates as a nonprofit entity.

c. The organization or institution holds itself out as a religious organization or institution.

d. The organization or institution certifies in writing, signed by an authorized representative, that it meets the criteria in subd. 2. a. to c. and maintains that certification in its records for the plan year for which it seeks an exemption from the coverage under par. (b).

SECTION 9. Initial applicability.

(1) The treatment of sections 40.02 (1) and (1d), 40.03 (6) (a), (b), and (k), and 40.56 of the statutes first applies to contracts for group health insurance plans that are entered into, extended, modified, or renewed on the effective date of this subsection.

(END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2392/2insRC
RAC:.....

Insert A:

, the performance of which is ineligible for funding under s. 20.927 ✓

Insert B:

, the performance of which is ineligible for funding under s. 20.927, ✓

Basford, Sarah

From: Julian, Jamie
Sent: Wednesday, May 22, 2013 5:30 PM
To: LRB.Legal
Subject: Draft Review: LRB -2392/2 Topic: Create exemption to contraceptive mandate similar to that proposed by the federal government; Prohibit coverage of abortion for state employees

Please Jacket LRB -2392/2 for the ASSEMBLY.